

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GUSTAVO ALVIZAR,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:18-cv-00425-HDM-CLB

ORDER

In this habeas corpus action, the Court denied the habeas corpus petition of Gustavo Alvizar on June 29, 2020 (ECF No. 27), and judgment was entered the same date (ECF No. 28). The Court denied Alvizar a certificate of appealability. See Order entered June 29, 2020 (ECF No. 27). Any notice of appeal by Alvizar was then due on July 29, 2020. See Rule of Appellate Procedure 4(a)(1) (30 days to file notice of appeal).

On July 31, 2020, the Court received from Alvizar a letter (ECF No. 29), dated July 23, 2020, indicating his intention to appeal, and requesting instruction how to do so. The Court treats Alvizar's July 23, 2020, letter as a notice of appeal. Furthermore, the Court determines that Alvizar, who is incarcerated in Arizona, must have presented the letter for filing at the prison where he is incarcerated before the July 29, 2020, deadline for filing a notice of appeal, and, under the prison mailbox rule, his notice of appeal is timely. See *Houston v. Lack*, 487 U.S. 266, 270–71 (1988).


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HOWARD D. McKIBBEN,
UNITED STATES DISTRICT JUDGE